

AO 91 (Rev. 11/11) Criminal Complaint

UNITED STATES DISTRICT COURT

for the

Western District of Texas

FILED

JAN 26 2018

CLERK, U.S. DISTRICT COURT
WESTERN DISTRICT OF TEXAS
BY [Signature]
DEPUTY CLERKUnited States of America
v.

Case No. 5:18-MJ-105

SETH ELRED PERRICONE

Defendant(s)

CRIMINAL COMPLAINT

I, the complainant in this case, state that the following is true to the best of my knowledge and belief.

On or about the date(s) of JULY, 2017 - JANUARY 2018 in the county of Comal in the
Western District of Texas, the defendant(s) violated:*Code Section**Offense Description*

18 U.S.C. 2252A(a)(2)

Receipt of Child Pornography

PENALTIES: Minimum 5 years confinement; Maximum 20 years
confinement, \$250,000 fine, life supervised release, \$100 mandatory special
assessment; \$5,000 assessment pursuant to JVT; Restitution; and
Forfeiture of any equipment used to facilitate the commission of the crime.

This criminal complaint is based on these facts:

See attached affidavit

☒ Continued on the attached sheet.[Signature]*Complainant's signature*

Rex Miller, SA FBI

Printed name and title

Sworn to before me and signed in my presence.

Date:

1/26/2018

City and state:

San Antonio, Texas[Signature]*Judge's signature*

HENRY BEMPORAD, U.S. Magistrate Judge

Printed name and title

COMPLAINT AFFIDAVIT

I, Rex Miller, being duly sworn, depose and state that:

1. I am a Special Agent ("SA") of the Federal Bureau of Investigation ("FBI") and have been so employed since January 2004. I am currently assigned to the San Antonio Division of the FBI. I am assigned to the Violent Crimes against Children Section and as such, I investigate crimes against children, including the trafficking and possession of child pornography. I am a former headquarter supervisor in the Research and Development Unit within the Innocent Images Program, the program that investigates these violations. I have received particularized training in the investigation of computer-related crimes, Usenet, peer-to-peer computer networking, and online (i.e. Internet based) crimes against children. I have conducted and been involved in numerous investigations of individuals suspected of producing, distributing and receiving child pornography and have participated in the execution of numerous search warrants which have resulted in the seizure of multiple items of child pornography. I have had the occasion to become directly involved in investigations relating to the sexual exploitation of children, to observe and review extensive examples of child pornography in various media formats, including computer-based formats. I have also received training in the investigation and detection of cases involving the sexual exploitation of children and child pornography.

2. This affidavit is being submitted in support of a Criminal Complaint for Seth Elred PERRICONE.

3. SA Rex Miller used a BitTorrent application to conduct an undercover investigation into the Internet sharing of child pornography files and located a device sharing child pornography on the BitTorrent files sharing network. SA Miller downloaded files from this sharing client. The IP address was recorded along with the date and time of the file transfer for each file downloaded. Between July 31, 2017 and January 21, 2018, SA Miller downloaded over 115,000 completed files on different dates from this particular IP address. A majority of these files depict the sexual exploitation of children.

4. One of the files downloaded by the FBI from this IP address is a 12 second video file that depicts a prepubescent partially nude female lying on her back. The female has a red colored dildo inserted into her vagina. Another file depicts a partially nude toddler female lying on her back with her legs in the air. The focal point of the image is the toddlers' vaginal area.

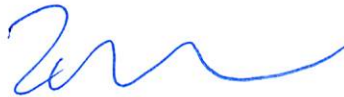
5. SA Miller determined the subscriber using the specific IP address sharing those files was located in Canyon Lake, Texas.

6. On January 25, 2018, a federal search warrant was executed in Canyon Lake, Texas, at the home of Seth Elred PERRICONE. Agents seized numerous digital devices, including a computer, located in the bedroom of Seth Elred PERRICONE that contained BitTorrent file sharing software.

7. Seth Elred PERRICONE was located at his place of employment and agreed to speak with federal agents. PERRICONE stated the computer located in his bedroom was his and that he is the only person that uses that computer. PERRICONE stated he is familiar with file sharing software and uses BitTorrent software to download pornography and movies. PERRICONE stated he is familiar with how the file sharing program works and knows that he is sharing files with others. PERRICONE admitted he has searched for and downloaded child pornography files using his computer. He explained that it started out as curiosity but that now he downloads child pornography files every few days. PERRICONE told agents there is no excuse or justification for his actions. PERRICONE was shown three child pornography prints downloaded from PERRICONE'S computer. PERRICONE recognized each file and knew the series name of each victim.

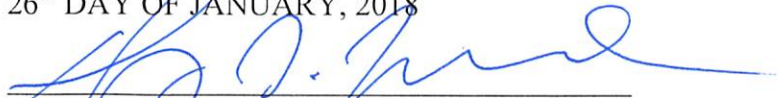
8. Based on the aforementioned facts, your Affiant respectfully submits that there is probable cause to believe that **SETH ELRED PERRICONE** did knowingly distribute child pornography, using any means and facility of interstate and foreign commerce, in violation of Title 18, United States Code Section 2252A(a)(2).

FURTHER AFFIANT SAYETH NOT,



Special Agent Rex Miller, FBI
San Antonio, Texas

SWORN TO BEFORE ME THIS
26th DAY OF JANUARY, 2018



THE HONORABLE HENRY BEMPORAD
UNITED STATES MAGISTRATE JUDGE